

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5705 of 1983

Date of decision: 21-8-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NADESARI INDUSTRIAL

Versus

CHEIF EXECUTIVE, GUJARAT

Appearance:

MR Kaushal Thakkar for Petitioners
None present for respondents.

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/08/96

ORAL JUDGEMENT

Heard the learned counsel for the petitioner.

In view of the three documents produced by the

petitioner's counsel today I do not consider it proper to give out detailed facts in this case. All the three documents are ordered to be taken on record.

2. The petitioner filed this writ petition challenging the action of respondent No.2 demanding consolidated tax from the members of the petitioner Association for the assessment years 1982-83 and 1983-84. Prayer has been made for quashing the assessment list for the aforesaid tax.

3. Learned counsel for the petitioner made statement that the Government has already considered the matter and relaxation granted in connection with consolidated tax to be recovered from the members of the petitioner, but these orders have not been given effect to by respondent No.2.

4. I have gone through the three documents filed today by the petitioner. I find therefrom that the Government has considered the matter and some rebate has been allowed in the tax for the years 1982-83, 1983-84, 1984-85 and 1985-86, reducing the tax at a flat rate of 40% subject to fulfillment of certain conditions. In view of these three documents I consider it proper to dispose of this petition with direction to respondent No.2 to consider the matter afresh and to pass appropriate orders, after hearing all the concerned persons and taking into consideration the aforesaid three documents. The counsel for the petitioner undertakes to send copies of these documents to respondent No.2 by registered post as nobody is representing the respondents in these proceedings before this court.

5. In the result the petition stands disposed of subject to the aforesaid observations and directions. It is expected of respondent No.2 to decide the matter afresh within three months from the date of receipt of certified copy of this order. Rule discharged. Interim relief granted earlier by this Court shall continue to operate till the matter is decided afresh by the respondents. No order as to costs.

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